

**MINUTES**

**MONTANA SENATE  
58th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON FISH AND GAME**

**Call to Order:** By **CHAIRMAN MIKE SPRAGUE**, on January 14, 2003 at 3:00 P.M., in Room 422 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Mike Sprague, Chairman (R)  
Sen. Dan McGee, Vice Chairman (R)  
Sen. Keith Bales (R)  
Sen. Gregory D. Barkus (R)  
Sen. Ken (Kim) Hansen (D)  
Sen. Dale Mahlum (R)  
Sen. Trudi Schmidt (D)  
Sen. Bill Tash (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Debbie Shea (D)

**Members Absent:** None.

**Staff Present:** Mary Vandebosch, Legislative Branch  
Jane Hayden, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 122, 1/8/2003  
Executive Action:

**HEARING ON SENATE BILL 122**

**Sponsor:** Senator Bill Tash

**Proponents:** Jeff Hagener, Director of Fish, Wildlife and Parks  
Commission  
Jean Johnson, President, Outfitters and Guides  
Association

**Opponents:** Robert Throssell, Montana Wildlife Federation

**Opening Statement by Sponsor: {Tape: 1; Side: A}**

**Senator Bill Tash** representing Southwestern Montana, Senate District 17, stated that Senate Bill 122 was requested by Montana's Fish, Wildlife, and Parks Commission (FWP) for better wildlife management. Senate Bill 122 is especially needed to help manage the elk population in southwestern Montana at this time. Senator Tash felt that SB 122 would be giving the Commission a much needed game management tool by allowing issuance of a second elk license.

**Proponents' Testimony:**

**EXHIBIT (fis07a01)** (Jeff Hagener's written statement)

**Jeff Hagener, Director of Montana's Fish, Wildlife and Parks Commission**, testified that there were two sections to SB 122. The first section gives the Commission the authority to issue a second "B" tag (antlerless) license that would allow a hunter to take a second elk. These cow elk have been difficult to harvest adequately. The benefits would allow a hunter to take a cow elk early in the season knowing that they can continue to hunt for a bull elk afterwards.

The second section of SB 122 establishes a waiting period for people who receive a special elk permit for an antlered bull elk in specified areas. In hunting districts where antlered bull permits are difficult to draw, a successful applicant would not be allowed to receive another permit for a specified number of years. This would keep some hunters out so that the drawing odds would allow others in. Presently, landowners get a 15 percent preference in drawing these tags. This second section of SB 122, while it may limit a specific person in this category, the permit would still be available to another family member.

Jeff Hagener concluded his testimony at this time and Chairman Mike Sprague asked if there were other proponents who would like to testify.

**Jean Johnson, Executive Director of the Montana Outfitters and Guides Association**, asked whether there would be any possibility to amend SB 122 to allow the non-resident hunter to exchange a bull tag for a cow tag in the permit areas. Ms. Johnson testified that this alternative might increase the harvest of cow elk and would relieve the non-resident hunter from having to pay \$1200 for two tags.

**Opponents' Testimony:**      None given.

**Questions from Committee Members and Responses:**

**Chairman Sprague asked Ms. Johnson** what was the success percent of non-resident hunters harvesting of bull elk. Ms. Johnson said that she did not have those statistics, but that non-residents harvested four percent of all elk harvested.

Chairman Sprague questioned Ms. Johnson as to whether the odds of bagging an elk go up if an outfitter is hired. Ms. Johnson replied that she could get those figures from the Board of Outfitters in a short time. Chairman Sprague asked Mr. Hagener if those statistics would be helpful and, having received a positive answer, requested Ms. Johnson to supply them.

**Senator Greg Barkus requested that Ms. Johnson** go over again the two different issues. Ms. Johnson restated that while the ability to buy a second tag would be great, adding the opportunity to exchange a B10 (bull tag) for an A7 (cow tag) would increase the cow harvest and have a positive affect on the non-resident hunter.

**Jeff Hagener informed Ms. Johnson** and the Committee that the second license to a non-resident hunter would cost just \$250, not the \$575 that earlier was assumed to be the cost.

**Senator Trudi Schmidt asked Mr. Hagener** to restate the costs, and he did so. Mr. Hagener then further explained that the hunter must buy the first tag in order to buy the second tag, but does not have to bag the elk for the first tag in order to bag the elk for the second tag.

**Senator Ken Hansen asked Mr. Hagener** about the landowners preference. Mr. Hagener stated that qualified landowners, by rule, receive a 15 percent of the tags in a given area and that the 15 percent is a preference over others that want tags.

**Senator Barkus** inquired as to how many non-resident big game tags are authorized. **Mr. Hagener** responded that 11,500 tags go in a general trough that are B10's, which is the combination elk, deer, bird, and fishing tag. Hunters can opt out of the deer portion of the B10 tag and that is where the cost reduction comes in. Additionally, there are 5,500 tags that come under the guaranteed outfitter license that are a higher price. The result is a total of 17,000 tags issued.

**Senator Barkus then asked Ms. Johnson** if she knew how many hunters would opt for the second elk tag. Ms. Johnson stated

that there was never an opportunity to do this before, so without asking her Association, she would not know.

**Senator Schmidt asked Mr. Hagener** whether the qualified landowners paid the same fees as the other hunters and he responded that they pay exactly the same fees. Senator Schmidt asked about the areas where this new tagging procedure would apply. Mr. Hagener explained that both parts of the SB 122 would apply to any district around the State. The Commission would have the authority to put the new tagging procedure in place, but they would limit it to target areas where they are having problems getting the harvest. This would also apply to the bull-tag draw which would be limited to those areas which are considered to be the toughest ones to draw from.

#### **Informational Testimony:**

Chairman Sprague asked if there was any informational testimony. There was none.

Chairman Sprague then asked if there were any more questions. **Chairman Sprague queried Senator Tash** as to whether he was clear on Jean Johnson's idea. Senator Tash stated he was clear and that Ms. Johnson's suggestion may be worthy of an amendment and deferred to the Fish, Wildlife, and Parks Commission for proposals. After this, questions from Committee members resumed.

#### **Questions from Committee Members and Responses (continued):**

\_\_\_\_ At this point a discussion ensued as to whether or not Jean Johnson's suggested amendment was needed. Senator Barkus pointed out that one of Ms. Johnson's concerns about the high cost of two licenses was clarified by Mr. Hagener's statement that the second license would only cost \$250 not \$575. **Jean Johnson** said that she had not known until now that if there was an A7 season in place, then a hunter could actually exchange a B10 tag for a cow tag. **Jeff Hagener** stated that what applies under the B10 is what the general season dictates are, so if it is an either-sex season, the client can hunt either sex. If it is a permit-only season, then the client can hunt only what the tag says.

**Senator Keith Bales** made the statement that (last season) in his area you could use your general tag for a cow elk. **Senator Bales then asked Jeff Hagener** if they were envisioning doing that in any other districts where you have a problem of too many cows. Jeff Hagener responded that FWP was looking at adjusting seasons in several areas to try to achieve a better

harvest (of a cow elk). **Senator Bales** asked whether a resident hunter or a non-resident hunter could go on in those areas.

**Mr. Hagener** replied that both could harvest a cow elk.

**Chairman Mike Sprague** asked **Jeff Hagener** whether or not SB 122 would solve the harvesting problem. Mr. Hagener stated that Fish Wildlife and Parks (FWP) already has the authority for the season setting, but they do not have the authority for the second tag. Senate Bill 122 would allow FWP to issue the second tag. Chairman Sprague asked Mr. Hagener whether or not he thought Jean Johnson's suggestion was needed. Mr. Hagener thought the same as Senator Barkus i.e. that a non-resident would not want to opt down from a B10 tag to get a cow because the B10 in many of these areas allows the hunter to take either sex already.

**Senator Trudi Schmidt** asked **Jeff Hagener** about a waiting period that was mentioned earlier in the discussion. Mr. Hagener explained that there is a waiting period after a hunter draws a permit for a sheep, goat, or moose--that hunter cannot put in for those permits for seven years whether he bags the game or not. Mr. Hagener further stated that there is also a waiting period in the Elkhorn Mountains for a bull elk permit. Again, whether or not the hunter bags the animal, it is still a three year waiting period before the same hunter can draw a bull elk permit in that area.

**Closing by Sponsor:** {Tape: 1; Side: A; Approx. Time Counter: 0 - 26}{Tape: 1; Side: B; Approx. Time Counter: 1 - 7}

**Senator Bill Tash** stated that many landowners are encumbered by too many elk and that there is certainly a habitat limit. Senator Tash explained that many of the new landowners do not allow hunting on their property and their lands act almost like a sanctuary for the elk. Therefore, the herds of elk are encroaching in greater numbers on all private land. Senator Tash firmly stated that Senate Bill 122 would give the Fish, Wildlife and Parks Commission a very needed tool to try to help balance the habitat with the cooperation and encouragement from the private landowners.

**Chairman Mike Sprague** said that the Committee would hang on to Senate Bill 122 for a few days to wait for a possible amendment, but would like the bill to reach the floor by Thursday or Friday this week.

**Other Business:**

**Senator Dale Mahlum** brought the motion that an absentee member of the Senate Fish, Wildlife, and Parks Committee be allowed to vote in absentia by proxy, using a standard form, while engaged in other legislative business. Chairman Sprague called for a vote. All ayes. Motion passed. Proxy forms were then passed out to the Committee members present.

**ADJOURNMENT**

Adjournment: 3:35 P.M.

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SEN. MIKE SPRAGUE, Chairman

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JANE M. HAYDEN, Secretary

MS/JH

**EXHIBIT**(fis07aad)